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22 **UNITED STATES DISTRICT COURT**  
23 **CENTRAL DISTRICT OF CALIFORNIA**

24

25

RICHARD SOTELO, on behalf of  
himself and all others similarly  
situated,

16

17 *Plaintiff,*

18

19 v.

20

RAWLINGS SPORTING GOODS  
COMPANY, INC.,

21

22 *Defendant.*

23

24

25

Case No.: 2:18-cv-09166-GW-MAA

Hon. George H. Wu

**DECLARATION OF A. JAMES  
SPUNG IN SUPPORT OF  
DEFENDANT'S MEMORANDUM  
IN OPPOSITION TO PLAINTIFF'S  
AMENDED MOTION FOR CLASS  
CERTIFICATION AND  
MEMORANDUM IN SUPPORT OF  
MOTION AND MOTION TO  
STRIKE THE REPORT AND  
TESTIMONY OF STEFAN  
BOEDEKER**

Date: November 16, 2020

Time: 8:30 a.m.

Crtrm.: 9D

26

I, A. James Spung, hereby certify, under penalty of perjury, as follows:

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Case No. 2:18-cv-09166-GW-MAA

Declaration of James Spung in Support of Defendant's  
Memorandum in Opposition to Plaintiff's Amended  
Motion for Class Certification and Memorandum in  
Support of Motion and Motion to Strike the Report  
and Testimony of Stefan Boedeker

1       1. I am an associate at Husch Blackwell LLP, counsel for Defendant  
2 Rawlings Sporting Goods Co., Inc. (“Rawlings”) in this matter. I am a member in  
3 good standing of the state bars of New York, Georgia, and Missouri and have  
4 been admitted *pro hac vice* in this case.

5       2. I respectfully submit this declaration in support of Defendant’s  
6 Memorandum in Opposition to Plaintiff’s Amended Motion for Class  
7 Certification. Except as otherwise noted, the facts set forth in this declaration are  
8 based in part upon my personal knowledge, and I would competently testify to  
9 them if called upon to do so.

10       3. Attached hereto as **Exhibit A** is a true and correct copy of a  
11 document produced in discovery by Rawlings and bates stamped  
12 RAWLINGS015513- RAWLINGS015517. This document has been marked  
13 HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY by Defendant and,  
14 therefore, Defendant is filing it under seal in compliance with the provisions of  
15 the Protective Order entered in this matter.

16       4. Attached hereto as **Exhibit B** is a true and correct copy of a  
17 document produced in discovery by Rawlings and bates stamped  
18 RAWLINGS015919- RAWLINGS015923. This document has been marked  
19 HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY by Defendant and,  
20 therefore, Defendant is filing it under seal in compliance with the provisions of  
21 the Protective Order entered in this matter.

22       5. Attached hereto as **Exhibit C** is a true and correct copy of a  
23 document produced in discovery by Rawlings and bates stamped  
24 RAWLINGS015915- RAWLINGS015917. This document has been marked  
25 HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY by Defendant and,

1 therefore, Defendant is filing it under seal in compliance with the provisions of  
2 the Protective Order entered in this matter.

3       6. Attached hereto as **Exhibit D** is a true and correct copy of a  
4 document produced in discovery by Rawlings and bates stamped  
5 RAWLINGS001340. This document has been marked HIGHLY  
6 CONFIDENTIAL – ATTORNEY’S EYES ONLY by Defendant and, therefore,  
7 Defendant is filing it under seal in compliance with the provisions of the  
8 Protective Order entered in this matter.

9       7. Attached hereto as **Exhibit E** is a true and correct copy of a  
10 document produced in discovery by Rawlings and bates stamped  
11 RAWLINGS001343. This document has been marked HIGHLY  
12 CONFIDENTIAL – ATTORNEY’S EYES ONLY by Defendant and, therefore,  
13 Defendant is filing it under seal in compliance with the provisions of the  
14 Protective Order entered in this matter.

15       8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts  
16 of the deposition of Kyle Murphy, taken in this matter on December 3, 2019.  
17 Certain portion of the transcript have been designated “HIGH CONFIDENTIAL-  
18 ATTORNEYS EYES ONLY,” pursuant to the Protective Order entered in this  
19 matter, and therefore Defendant is filing a redacted version of the transcript.

20       9. Attached hereto as **Exhibit G** is a true and correct copy of excerpts  
21 of the deposition of Rebecca O’Hara, taken in this matter on December 4, 2019.  
22 Certain portion of the transcript have been designated “HIGH CONFIDENTIAL-  
23 ATTORNEYS EYES ONLY,” pursuant to the Protective Order entered in this  
24 matter, and therefore Defendant is filing a redacted version of the transcript.

25       10. Attached hereto as **Exhibit H** is a true and correct copy of excerpts

1 of the deposition of Stefan Boedeker, taken in this matter on February 14, 2020.  
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3 11. Attached hereto as **Exhibit I** is a true and correct copy of excerpts of  
4 the deposition of Dr. Thomas Maronick, taken in this matter on February 12,  
5 2020.

6 12. Attached hereto as **Exhibit J** is a true and correct copy of excerpts of  
7 the deposition of Dr. Bruce Isaacson, taken in this matter on April 29, 2020.

8 13. Attached hereto as **Exhibit K** is a true and correct copy of excerpts  
9 of the deposition of Jeff Fiorini, taken in this matter on December 5, 2019.

10 Certain portion of the transcript have been designated “HIGH CONFIDENTIAL-  
11 ATTORNEYS EYES ONLY,” pursuant to the Protective Order entered in this  
12 matter, and therefore Defendant is filing a redacted version of the transcript.

13 14. Attached hereto as **Exhibit L** is a true and correct copy of excerpts  
14 of the deposition of Michael Zlaket, taken in this matter on March 5, 202. Certain  
15 portion of the transcript have been designated “HIGH CONFIDENTIAL-  
16 ATTORNEYS EYES ONLY,” pursuant to the Protective Order entered in this  
17 matter, and therefore Defendant is filing a redacted version of the transcript.

18 15. Attached hereto as **Exhibit M** is a true and correct copy of excerpts  
19 of the deposition of Dr. Ronald T. Wilcox, taken in this matter on May 1, 2020.

20 16. Attached hereto as **Exhibit N** is a true and correct reproduction of  
21 columns A-M, and all rows, of the first tab in the document produced in  
22 discovery (in its native Microsoft Excel format) by Rawlings and bates stamped  
23 RAWLINGS012273. This document has been marked HIGHLY  
24 CONFIDENTIAL-ATTORNEY’S EYES ONLY by Defendant and, therefore  
25 Defendant is filing it under seal in compliance with the provisions of the  
26 Protective Order entered in this matter.

17. Attached hereto as **Exhibit O** is a summary chart prepared by Rawlings depicting certain data, such as SKU numbers, sticker lengths, sticker weights, drops, and specification weights, of documents filed under seal by Plaintiff in Exhibit 1 to Doc. 119. The documents filed under seal by Plaintiff in Exhibit 1 to Doc. 119 were each produced by Rawlings in discovery in this matter and designated **HIGHLY CONFIDENTIAL-ATTORNEY'S EYES ONLY** by Defendant. Because Exhibit O reflects, in part, proprietary and confidential business information regarding these bat specifications, Rawlings is filing a redacted version of Exhibit O.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 23, 2020.

A. James Spung